



**MINUTES OF THE
LAND RECLAMATION COMMISSION
TELECONFERENCE MEETING**

April 30, 2004

Chairman Jim DiPardo called the meeting to order at 3:35 p.m. at the Missouri Department of Natural Resources, 1738 East Elm Street, Jefferson City, Missouri.

Commissioners Present: Jim DiPardo; Hugh Jenkins; Bill Duley; Jim Hull; Dr. Gregory Haddock; and Bob Ziehmer.

Staff Present: Larry Coen, Mike Larsen, and Shirley Grantham.

Others Present: Amy Randles, Attorney General's Office; Daniel R. Schuette, Deputy Director, Air and Land Protection Division, Missouri Department of Natural Resources; Riley Godfrey; Becky Denney, Stream Team; and Leslie Holloway, Missouri Farm Bureau.

1. ORDER OF RULEMAKING - INDUSTRIAL MINERALS RULES - PERMIT AND PERFORMANCE REQUIREMENTS FOR IN-STREAM SAND AND GRAVEL MINING (Attachment 1)

Mr. Larsen stated the purpose of this special meeting is for the Commission's consideration of two Orders of Rulemaking which will affect two Industrial Minerals rule amendments regarding the mining of sand and gravel from stream courses in Missouri. The two proposed rule amendments (10 CSR 40-10.020(D)4., Permit Application Requirements (currently referred to as the Stream Protection Plan), and 10 CSR 40-10.050(14), (15), and (16), Performance Requirements (add specific performance requirements for the in-stream mining of sand and gravel and replaces the current Stream Protection Plan)) were published on February 2, 2004, in the *Missouri Register*. A formal hearing was held before the Commission on March 25, 2004. The public comment period has now expired. Mr. Larsen outlined the proposed schedule for publishing of these Orders of Rulemaking, with the anticipated date that the rules become final of September 30, 2004. Mr. Larsen noted numerous comment letters were received during the public comment period and forwarded to the Commission. The Orders of Rulemaking per Attachment 1 reflect responses to those comments. The Commission approved both rule amendments as they presently exist at their May 22, 2003, meeting. The rule amendments were the product of extensive discussion and effort among work group members. The Commission received the recommendation of the work group and approved that recommendation with two amendments. One amendment was to specify a defined buffer zone distance between the area of excavation and the flowing water of 10 feet. The second amendment was to change wording with respect to mining from "Outstanding State Resource Waters." The meeting today represents the final action by

the Commission with respect to these two rule amendments and is a necessary part of the rulemaking process. Mr. Larsen stated the staff therefore recommends that the Land Reclamation Commission approve the two Orders of Rulemaking as presented today.

Mr. Jenkins made the motion that the Commission follow the staff's recommendation and issue final approval of the two Orders of Rulemaking as presented. Dr. Haddock seconded; motion carried unanimously with all Commissioners voting "yes."

Ms. Leslie Holloway, Missouri Farm Bureau, presented written comments to the Commission regarding comments she presented at the hearing on March 25, 2004. She noted in reviewing the responses presented in the Orders of Rulemaking, one comment she had made previously pertains to the Regulatory Impact Report and the characterization of the comments like hers that address the issue pertaining to false and misleading statements. She noted she would not characterize her comments in that light. She stated she had some specific remarks with regard to the Regulatory Impact Report and that she felt some of the information in that report was not entirely accurate.

Mr. Riley Godfrey stated he was a member of the work group that worked on the two above proposed amendments. He noted that landowners are against these proposed amendments.

2. ADJOURNMENT

Mr. Jenkins made the motion the meeting be adjourned. Mr. Hull seconded; motion carried unanimously.

The meeting was adjourned at 3:55 p.m.

Respectfully submitted,

Chairman